

REMARKS

Claims 1-43 are pending in the instant application. No claims have been added by this Amendment. Claim 40 has been cancelled by this Amendment. Therefore upon entry of this present Amendment claims 1-39, and 41-43 will still be pending.

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Claims 15, 28, 32 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

Claims 1-6, 13, 14 and 33-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Haas et al. (United States Patent Publication Number 2004/0012810). Applicants respectfully traverse the rejections.

Anticipation requires the disclosure of each and every element of the claim arranged as in the claim—not in isolation. When the claimed invention is not identically disclosed in a reference, and instead requires picking and choosing among a number of different options disclosed by the reference, then the reference does not anticipate.

Mendenhall v. Astec Indus., 1988 U.S. Dist., 13 U.S.P.Q.2d 1913, 1928 (Tenn. 1988), aff'd, 13 entered by U.S.P.Q.2d 1956 (Fed. Cir. 1989). *Akzo N.V. v. International Trade Commission*, 808 F.2d 1471, 1480 (Fed. Cir. 1986), cert. denied, 482 U.S. 909, 107 S. Ct. 2490, 96 L. Ed. 2d 382 (1987); *In re Arkley*, 59 C.C.P.A. 804, 455 F.2d 586, 587-88 (CCPA 1972).

Examiner cites Paragraphs 25 and 29 of Haas et al. teachings of having digital camera distributed to partygoers and ordering images by using an order form as teaching transmitting images upon receipt of an image selection request. Haas et al. fails to teach an exchange of the images via UWB communication to wireless remote

devices owned by the partygoers as cited in claims "to selectively receive picture or video images from the host display unit based on generating and transmitting the image selection request to the host display unit."

Claim Rejections - 35 USC § 103

Claims 7-12, 26, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al. (United States Patent Publication Number 2004/0012810) in view of Kim (United States Patent Number 6,535,239). Applicants traverse this rejection.

In order to sustain a rejection under 35 U.S.C. §103(a) there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.

To establish a *prima facie* case of obviousness based on a combination of elements disclosed in the prior art, the Examiner must articulate the basis on which the Examiner concludes that it would have been obvious to make the claimed invention. In practice, this requires that the Examiner "explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. This entails consideration of both the "scope and content of the prior art" and "level of ordinary skill in the pertinent art" aspects of the Graham test. *IN RE LEONARD R. KAHN*, 441 F.3d 977 (Fed. Cir. 2006). Inferences and creative steps that a person of ordinary skill in the art would employ can be used. The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results. *KSR INT'L CO. v. TELEFLEX INC.* 127 S. Ct. 1727 (2007).

The Examiner has failed to show that the combination of the cited references would yield predictable results, *inter alia*, as stated above, Haas et al. alone or in combination fails to teach an exchange of the images via UWB communication to

wireless telephones. Specifically for claims 7-12, *inter alia*, “wherein upon receipt of an image selection request, the host display unit transmits the displayed image to the UWB wireless network, the image subsequently received by the requesting wireless remote device on the UWB wireless network.”

The same argument may be made for claim 26, 29 with the limitation, *inter alia*, “wherein upon subsequent receipt of an image selection request from the wireless telephone or another wireless telephone, the host display unit retransmits the displayed image to the requesting wireless telephone over a UWB wireless signal.”

Claim 31 has the limitation of “wherein upon receipt of an image selection request, the host display retransmits the displayed image to the wireless digital camera over a UWB wireless signal” which Haas et al. alone or in combination, *inter alia*, fails to teach.

Claims 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al. (United States Patent Publication Number 2004/0012810) in view of Kim (United States Patent Number 6,535,239) and further in view of Liu (United States Patent Publication Number 2004/0061773). Applicants traverse this rejection.

Claims 27 and 30 are dependent upon claim 26 which has a limitation, *inter alia*, “wherein upon subsequent receipt of an image selection request from the wireless telephone or another wireless telephone, the host display unit retransmits the displayed image to the requesting wireless telephone over a UWB wireless signal.”

Claims 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al. (United States Patent Publication Number 2004/0012810) in view of Odman (United States Patent Publication Number 2003/0140296) and further in view of Liu (United States Patent Publication Number 2004/0061773). Applicants traverse this rejection.

Applicant has amended claim 39 to have the limitations of claim 40 and 39. Examiner cites Paragraphs 25 and 29 of Haas et al. teachings transmitting an image download request to the host display, requesting a download of the picture or video images currently displayed on the host display unit. Paragraphs 25 and 29 of Haas et

al. teach ordering pictures by filling out a form hard copy or on a website. Haas et al. alone or in combination fails to teach the limitations of amended claim 40. The Examiner has failed to show that the combination of the cited references would yield predictable results.

Applicant believe this application and the claims herein to be in a condition for allowance and respectfully requests a Notice of Allowance or timely Advisory Action. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicants.

Respectfully submitted:

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